APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/234,695	01/21/1999	ANDRE-ROGER HENRY DELLEVI		5728

7590   04/21/2003

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ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 04/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

		Application No.	Applicant(s)
Office Action Summary		09/234,695	DELLEVI ET AL.
		Examiner	Art Unit
		Beth Van Doren	3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 January 2003</u> .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-7 and 9-17* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-7 and 9-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

     If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____ .

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

     a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6) ☐ Other: .

DETAILED ACTION

1.   The following is a Final Office Action in response to communications received 01/30/03.

Claims 1 and 8 have been canceled. Claims 2-6 and 9-10 have been amended. Claims 11-17

have been added. Claims 2-7 and 9-17 are now pending in this application.

Response to Amendment

2.   Applicant's amendment to claims 2-5 and 9-10 and cancellation of claims 1 and 8 are

sufficient to overcome the 35 USC § 112, second paragraph, rejections set forth in the previous

office action.

Claim Objections

3.   Claim 13 is objected to because it contains a typographical error. The limitation "less

that the minimum time period" should more appropriately read --less **than** the minimum time

period--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et

al. (U.S. 6,192,346).

6.   Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et al.

(U.S. 6,192,346) and "Visual Rota from CDT" (ww.btinternet.com/~vrota).

7.   Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over "Visual Rota

from CDT" (ww.btinternet.com/~vrota).

8.   Claims 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Visual

Rota from CDT" (ww.btinternet.com/~vrota) in view of Donnelly et al. (U.S. 6,192,346).

9.   As per claim 9, Donnelly et al. teaches a system comprising:

        a computer with memory having stored therein a list of employees (See column 7, lines

43-45, column 9, lines 38-41, column 10, lines 9-21, 42-45, and 55-59, and column 11, lines 18-

24, wherein a computer has stored in memory a list of employees);

        a computer usable code having a computer readable program code medium embodied

therein for controlling the transfer of a shift change in a place of employment, the computer

readable program code medium comprising:

        computer-readable program code for causing the computer to ascertain an identity of an

owner of a shift (See column 10, lines 22-29, which discuss the identification of the owner of a

shift of the calendar. See also column 14, lines 55-67, column 16, lines 16-34, which also

discuss the ability to ascertain the identity of the owner of a shift);

        computer-readable program code for causing the computer to ascertain an identity of a

recipient of a shift (See at least column 7, lines 43-45, column 9, lines 38-41, column 11, lines

18-24, column 13, lines 35-45, column 17, lines 7-13, 25-40, and 55-59, column 22, lines 45-55,

column 25, lines 12-26, column 26, lines 1-7, 30-50, and 60-65, wherein the identity of a recipient of a shift is stored and ascertained); and

computer-readable program code for causing the computer to approve the transferring of a shift of the owner to the recipient only upon certain criteria being met (See column 13, lines 21-26, 35-43, column 14, lines 60-67, column 16, lines 55-67, column 17, lines 7-12, 21-30, and 44-49, column 19, lines 4-7 and 24-27, column 22, lines 46-50, column 23, lines 1-2, column 26, lines 30-42 and 60-65, all of which discuss automatically editing the schedule to reflect the deleting of a shift of an owner and the adding of said shift to a recipient, wherein both the owner and the recipient have training data that matches the training data required by said shift. The recipient's eligibility data fits the required profile of the shift and therefore the user causes the computer to approve the shift change).

However, Donnelly et al. does not expressly disclose that this criteria is a length of time before the requested shift transfer.

Time is an important measure in business that is used to ensure that specific business events occur. For example, in order for an employee to withdraw from employment with a business, he or she must give notice a specific length of time before quitting so that the business can find someone to fill said employee's responsibilities before said employee leaves. Donnelly et al. discusses assigning employees to scheduled projects and time-oriented tasks of a business. It would have been obvious to one of ordinary skill in the art at the time of the invention to require a specific length of time notice for a transfer of shift in order to ensure the timely finish of the project by making sure that all tasks involved are appropriately staffed.

10.   As per claim 10, Donnelly et al. discloses a system wherein the criteria includes whether

any shifts of at least one of the owner and recipient overlap (See column 5, lines 9-11, and

column 21, lines 53-61, wherein conflicts and the schedule conflict screen is disclosed whereby

overlaps are detected).

11.   As per claim 2, Donnelly et al. discloses a system, comprising:

a computer with memory including stored therein a first list of employees each having a

criteria of eligibility data associated therewith and a second list of work area functions each

having a criteria of eligibility associated therewith (See column 14, lines 38-44. See column 9,

lines 38-41, column 10, lines 9-21, and column 11, lines 18-24, which disclose a first list

containing employees, each employee having a criteria of eligibility data stored with his/her

record. See column 10, lines 65-67, column 11, lines 1-14, column 18, lines 61-64, and column

19, lines 35-38, which discuss a second list of stored data containing work area functions and the

criteria of eligibility concerning the ability to perform each work area functions stored with its

record);

a computer usable code having a computer readable program code medium embodied

therein for controlling the transfer of a shift change in a place of employment, the computer

readable program code medium comprising:

computer-readable program code for causing the computer to ascertain an identity of an

owner of a shift (See column 10, lines 22-29, which discuss the identification of the owner of a

shift of the calendar. See also column 14, lines 55-67, column 16, lines 16-34, which also

discuss the ability to ascertain the identity of the owner of a shift);

computer-readable program code for causing the computer to delete a shift of a owner

and add a shift to another employee (See at least column 16, lines 50-67, column 17, lines 7-20

and 25-45, column 18, lines 45-55, and column 29, lines 10-22, wherein an owner of a shift is

deleted and another employee is added to a shift);

computer-readable program code for displaying employee data and calendar data to other

employees (See at least column 16, lines 15-25 and 50-67, column 17, lines 1-5, column 26, lines

30-40, column 28, lines 45-55, and column 32, lines 19-32, wherein employee and calendar data

can be displayed);

computer-readable program code for causing the computer to approve the transferring of

a shift of the owner to the second employee only if the eligibility data of the second employee

matches that of the work area function associated with the shift of the owner (See column 13,

lines 21-26, 35-43, column 14, lines 60-67, column 16, lines 55-67, column 17, lines 7-12, 21-

30, and 44-49, column 19, lines 4-7 and 24-27, column 22, lines 46-50, column 23, lines 1-2,

column 26, lines 30-42 and 60-65, all of which discuss automatically editing the schedule to

reflect the deleting of a shift of an owner and the adding of said shift to a recipient, wherein both

the owner and the recipient have training data that matches the training data required by said

shift. The recipient's eligibility data fits the required profile of the shift and therefore the user

causes the computer to approve the shift change).

However, while Donnelly et al. provides computer readable code for managing the

employee calendar, Donnelly et al. does not expressly disclose the steps of:

causing the computer to accept a conditional offer, by the owner of a shift, to trade the

shift for another shift of another employee;

causing the computer to display to other employees the conditional offer to trade the shift

for another shift;

causing the computer to receive a conditional acceptance from a second employee to

trade a shift of the second employee for the offered shift of the owner of the first shift.

"Visual Rota from CDT" teaches:

automatically accepting a conditional offer, by the owner of the shift, to trade the shift for

another shift of another employee (See page 3, sections 1-3, wherein the owner of a shift offers

to conditionally change shifts with another employee);

causing the computer to display to other employees the shifts and having the conditional

offer to trade the shift for another shift known to the other employees (See page 3, sections 1-3,

wherein the shifts are displayed to other employees and other employees are made aware of the

conditional offer to trade shifts);

automatically causing the computer to receive a conditional acceptance from a second

employee to trade a shift of the second employee for the offered shift of the owner of the first

shift (See page 3, sections 1-3, wherein the computer receives information concerning the

conditional acceptance of a second employee to trade a shift of theirs for the shift of the first

employee).

Both Donnelly et al. and "Visual Rota from CDT" disclose scheduling systems wherein

time shifts are assigned to employees and these shifts can be reassigned to other employees

based on certain criteria being met. The shift trading, as taught by "Visual Rota from CDT", is

old and well known in this and other variations. It would have been obvious to one of ordinary

skill in the art at the time of the invention to include the conditional trading of shifts between employees in the computer-implemented tool of Donnelly et al. in order to reduce the problems associated with the schedule by allowing employees to choose the hours the work through their own schedule rearranging, as stated in page 3, sections 1-3, of "Visual Rota from CDT".

12.   As per claim 3, Donnelly et al. teaches a system wherein the memory of the computer further includes an additional list of time shifts of each of the employees wherein each time shift has one of the work area functions associated therewith and computer-readable program code for causing the computer to allow the browsing and printing of the additional list (See column 10, lines 23-29 and 40-46, and column 14, lines 55-60, which discuss an additional list of time shifts of each of the employees wherein each time shift has one of the work area functions. See figure 14, column 3, lines 25-29, column 4, lines 28-39, column 10, lines 22-49, and column 16, lines 1-7, which discuss the computer being caused to allow for the browsing and printing of this list).

13.   As per claim 4, Donnelly et al. discloses a system wherein the memory of the computer further includes an additional list of notifications each corresponding to a unique combination of the employees and the work area functions based on the eligibility data associated therewith and further included is computer-readable program code for causing the computer to display one of the notifications from the additional list which corresponds to the combination of the eligibility data of the recipient and the eligibility data of the transferred work area function (See column 5, lines 15-17, column 13, lines 14-17, column 17, lines 22-25, column 22, lines 22-35, and column 29, lines 18-22 and 40-43, which discuss a third list of notifications each corresponding to a unique combination of employees and work area functions. See column 29, lines 9-22 and 34-

43, wherein the computer is caused to display a notification that corresponds to the matching of

the training data of the recipient and the training data of the transferred work area function).

14.   As per claim 5, Donnelly et al. teaches a system further including computer-readable

program code for causing the computer to verify an identity of a management user and

computer-readable program code for causing the computer to allow the editing of the lists only

after the verification of the identity of the management user (See column 13, lines 14-17, column

16, lines 8-15, column 18, lines 17-19, column 19, lines 4-7, column 21, lines 62-67, and column

31, lines 45-54, which disclose the computer being caused to verify the identity of a management

user of the system by the logging or signing on of said user. See column 13, lines 40-45, column

14, lines 63-67, column 16, lines 50-67, column 19, lines 4-7, and column 31, lines 45-54, which

discuss a computer being caused to allow the editing of the lists of data stored on the system after

the identity of the editing user has been verified through the logging/signing on of said user).

15.   As per claim 6, Donnelly et al. teaches a computer-implemented method for processing

signals related to a first list of employees each having a criteria of eligibility data associated

therewith and a second list of work area functions each having a criteria of eligibility data

associated therewith, the method comprising:

ascertaining an identity of an owner of a shift (See column 10, lines 22-29, which discuss

the identification of the owner of a shift of the calendar. See also column 14, lines 55-67,

column 16, lines 16-34, which also discuss the ability to ascertain the identity of the owner of a

shift);

causing the deletion of a shift of a owner and an addition of a shift to another employee

(See at least column 16, lines 50-67, column 17, lines 7-20 and 25-45, column 18, lines 45-55,

and column 29, lines 10-22, wherein an owner of a shift is deleted and another employee is

added to a shift);

displaying employee data and calendar data to other employees (See at least column 16,

lines 15-25 and 50-67, column 17, lines 1-5, column 26, lines 30-40, column 28, lines 45-55, and

column 32, lines 19-32, wherein employee and calendar data can be displayed);

approving the transferring of a shift of the owner to the potential recipient only if the

eligibility data of the potential recipient matches that of the work area function associated with

the shift of the owner (See column 13, lines 21-26, 35-43, column 14, lines 60-67, column 16,

lines 55-67, column 17, lines 7-12, 21-30, and 44-49, column 19, lines 4-7 and 24-27, column

22, lines 46-50, column 23, lines 1-2, column 26, lines 30-42 and 60-65, all of which discuss

automatically editing the schedule to reflect the deleting of a shift of an owner and the adding of

said shift to a recipient, wherein both the owner and the recipient have training data that matches

the training data required by said shift. The recipient's eligibility data fits the required profile of

the shift and therefore the user causes the computer to approve the shift change).

However, while Donnelly et al. provides computer readable code for managing the

employee calendar, Donnelly et al. does not expressly disclose the steps of:

accepting a conditional offer, by the owner of a shift, to trade the shift for a shift of

another employee;

displaying to other employees the conditional offer to trade the shift for another shift ();

receiving a conditional acceptance from the potential recipient to trade a shift of the

potential recipient for the shift offered by the owner of the shift.

"Visual Rota from CDT" teaches

accepting a conditional offer, by the owner of a shift, to trade the shift for a shift of another employee (See page 3, sections 1-3, wherein the owner of a shift offers to conditionally change shifts with another employee);

causing the computer to display to other employees the shifts and having the conditional offer to trade the shift for another shift known to the other employees (See page 3, sections 1-3, wherein the shifts are displayed to other employees and other employees are made aware of the conditional offer to trade shifts);

receiving a conditional acceptance from the potential recipient to trade a shift of the potential recipient for the shift offered by the owner of the shift (See page 3, sections 1-3, wherein the computer receives information concerning the conditional acceptance of a second employee to trade a shift of theirs for the shift of the first employee).

Both Donnelly et al. and "Visual Rota from CDT" disclose scheduling systems wherein time shifts are assigned to employees and these shifts can be reassigned to other employees based on certain criteria being met. The shift trading, as taught by "Visual Rota from CDT", is old and well known in this and other variations. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the conditional trading of shifts between employees in the computer-implemented tool of Donnelly et al. in order to reduce the problems associated with the schedule by allowing employees to choose the hours the work through their own schedule rearranging, as stated in page 3, sections 1-3, of "Visual Rota from CDT".

16.   As per claim 7, Donnelly et al. teaches a computer-implemented method and further including the step of allowing the editing of the lists only after the verification of the identity of the management user (See column 13, lines 14-17, column 16, lines 8-15, column 18, lines 17-

19, column 19, lines 4-7, column 21, lines 62-67, and column 31, lines 45-54, which disclose the

computer being caused to verify the identity of a management user of the system by the logging

or signing on of said user. See column 13, lines 40-45, column 14, lines 63-67, column 16, lines

50-67, column 19, lines 4-7, and column 31, lines 45-54, which discuss a computer being caused

to allow the editing of the lists of data stored on the system after the identity of the editing user

has been verified through the logging/signing on of said user).

17.   As per claim 11, "Visual Rota from CDT" teaches a computer-implemented method for

processing signals related to trading shifts between employees, the method comprising:

        accepting a conditional offer, by a first employee assigned to work a first shift, to trade

the first shift for another shift of another employee (See page 3, sections 1 and 2, wherein a

conditional offer is accepted by a first employee assigned to work a first shift to trade this shift

for another employee's shift);

        conferring to other employees the conditional offer to trade the first shift for another shift

(See page 3, sections 1-3, wherein other employees are told of the opportunity to switch shifts);

        receiving a conditional acceptance from a second employee to trade a second shift of a

second employee for the offered first shift of the first employee (See page 3, sections 1-3,

wherein a second employee conditionally accepts the trade); and

        confirming a trade of the first shift of the first employee for the second shift of the second

employee upon verification of criteria, or rejecting the trade of the first shift for the second shift

upon non-verification of the criteria (See page 3, sections 1-3, wherein specific criteria must be

met. If the rules are met, the shifts are reassigned. If not, the shifts are not reassigned).

However, while "Visual Rota from CDT" teaches displaying the shift schedule to employees, "Visual Rota from CDT" does not expressly disclose displaying the conditional trade offer to other employees.

"Visual Rota from CDT" discloses displaying the shift schedule to employees in a computer implemented manner as well as allowing the employees to make conditional shift trades with one another. It is old and well known that in places of employment, such as the food services industry, people post conditional shift trade offers so other employees may see the posting and trade shifts. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to display the conditional trade offer to other employees in order to increase the efficiency of the communications of the employees by allowing the employees to display the conditional offers in a place visible to all potential traders. This way people are found that can work all shifts and problems for the scheduler are decreased, as stated on page 3, section 3.

18.   As per claim 12, "Visual Rota from CDT" teaches a computer-implemented method wherein the step of confirming includes checking criteria (See page 3, sections 1 and 2, wherein criteria data concerning the shift change is checked to confirm that the transfer is ok). However, "Visual Rota from CDT" does not expressly disclose checking training data associated with the second employee in a training data database, and comparing the training data associated with the second employee with the training requirements associated with a work area function to be performed on the first shift to verify the second employee is qualified to perform the work area functions associated with the first shift.

Donnelly et al. discloses checking training data associated with the second employee in a

training data database, and comparing the training data associated with the second employee with

the training requirements associated with a work area function to be performed on the first shift

to verify the second employee is qualified to perform the work area functions associated with the

first shift (See at least column 7, lines 43-45, column 9, lines 38-41, column 10, lines 10-21,

column 11, lines 18-24 and 40-52, column 13, lines 35-45, column 17, lines 7-13, 25-40, and 55-

59, column 22, lines 45-55, column 25, lines 12-26, column 26, lines 1-7, 30-50, and 60-65,

wherein the training data associated with the second employee is stored and checked when the

second employee is being assigned to a work area function with certain requirements of skill

level/training level).

Both Donnelly et al. and "Visual Rota from CDT" disclose scheduling systems wherein

time shifts are assigned to employees and these shifts can be reassigned to other employees

based on certain criteria being met. It would have been obvious to one of ordinary skill in the art

at the time of the invention to check the criteria of training before allowing the shift swap of

"Visual Rota from CDT" to occur in order to increase the quality of the outcome (i.e.

product/service) provided by the company by allowing only people with appropriate skills to

work a job. For example, in the food services industry, a waitress would not be allowed to let a

dish washer swap shifts with them.

19.   As per claim 13, "Visual Rota from CDT" teaches a computer-implemented method

wherein the step of confirming includes checking criteria (See page 3, sections 1 and 2, wherein

criteria data concerning the shift change is checked to confirm that the transfer is ok). However,

"Visual Rota from CDT" does not expressly disclose checking a length of time between a time of

receipt of the conditional acceptance and a time of occurrence of the first shift and the second

shift against a minimum time period for trading shifts to verify that the length of time is not less

than a minimum time period.

"Visual Rota from CDT" discloses a system that allows employees to swap shifts. It is

old and well known that places of employment require that employees give notice by a specific

deadline in order to do things such as take leave, quit, swap shifts, etc. For example, in order for

an employee to withdraw from employment with a business, he or she must give notice a specific

length of time before quitting so that the business can find someone to fill said employee's

responsibilities before said employee leaves. It would have been obvious to one of ordinary skill

in the art at the time of the invention to require a specific length of time between the shift swap

and the shift in order to increase the efficiency of the schedule and the timeliness of the company

by making sure that all areas involved are appropriately staffed. "Visual Rota from CDT"

discusses that finding people to definitively work the assigned shifts reduces problems, as stated

on page 3, section 3.

20.   As per claim 14, "Visual Rota from CDT" teaches a computer-implemented method

wherein the step of confirming includes checking criteria (See page 3, sections 1 and 2, wherein

criteria data concerning the shift change is checked to confirm that the transfer is ok). However,

"Visual Rota from CDT" does not expressly disclose displaying to the second employee, upon

confirmation of the trade, notifications relevant to the work area function of the first shift and the

training data associated with the second employee.

Donnelly et al. discloses displaying to the second employee, upon confirmation of the

trade, notifications relevant to the work area function of the first shift and the training data

associated with the second employee (See column 10, lines 22-30, column 12, lines 58-65,

column 13, lines 1-4, 15-18, and 45-50, column 17, lines 25-50, column 18, lines 60-65, column

29, lines 10-12 and 34-43, and column 32, lines 20-32, wherein notifications relevant to the work

area function are displayed to the second employee and training data associated with the second

employee can be displayed).

Both Donnelly et al. and "Visual Rota from CDT" disclose scheduling systems wherein

time shifts are assigned to employees, the schedule can be displayed, and the shifts can be

reassigned to other employees based on certain criteria being met. It would have been obvious to

one of ordinary skill in the art at the time of the invention to display to the second employee

notifications relevant to the traded shift in order to increase the ability of the employee to

perform the job function by supplying the employee with information about the job function and

the necessary requirements. "Visual Rota from CDT" discusses the importance of employees

working their assigned shifts in order to reduce problems, as discussed on page 3, section 3.

21.   As per claim 15, "Visual Rota from CDT" teaches a computer-implemented method

additionally including updating the schedule after a shift change and displaying a schedule to

employees (See page 3, sections 1-3, wherein the schedule is updated after schedule changes and

the schedule is displayed to employees). However, while "Visual Rota discloses the finalized

schedule, "Visual Rota from CDT" does not expressly disclose indicating to the first employee,

upon confirmation of the trade, the confirmation of the trade.

Donnelly et al. discloses indicating to the first employee, upon confirmation of the trade,

the confirmation of the trade (See column 16, lines 65-67, and column 17, lines 14-25, wherein

when the shift is removed from the employees schedule, a notification is sent to the employee).

Both Donnelly et al. and "Visual Rota from CDT" disclose scheduling systems wherein

time shifts are assigned to employees, the schedule of shifts is displayed, and the shifts can be

reassigned to other employees based on certain criteria being met. It would have been obvious to

one of ordinary skill in the art at the time of the invention to indicate to a first employee in the

tool of "Visual Rota from CDT" a confirmation of the trade in order to increase the efficiency

and accuracy of the scheduling of the tool by making sure all employees are aware of the shifts

that they are specifically supposed to work. "Visual Rota from CDT" discusses the importance

of making sure employees work their assigned shifts to reduce problems with the schedule, as

discussed on page 3, section 3, and confirming that the trade has gone through allows the first

employee to be sure that he does or does not have to be at work.

22.   As per claim 16, "Visual Rota from CDT" discloses a person managing the schedule and

the shift changes associated therewith (See at least page 3, sections 1-3, wherein a person is in

charge of the schedule). However, "Visual Rota from CDT" does not expressly disclose

restricting access to the information about the trade of the first shift for the second shift upon

confirmation of the trade.

Donnelly et al. teaches restricting access to the information about the trade of the first

shift for the second shift upon confirmation of the trade (See column 13, lines 14-17, column 16,

lines 8-15, column 18, lines 17-19, column 19, lines 4-7, column 21, lines 62-67, and column 31,

lines 45-54, which disclose the computer being caused to verify the identity of a user of the

system by the logging or signing on of said user, therefore restricting access to the information).

Both Donnelly et al. and "Visual Rota from CDT" disclose scheduling systems wherein

time shifts are assigned to employees, the schedule of shifts is displayed, and the shifts can be

reassigned to other employees based on certain criteria being met. It is old and well known in

computer based tools to have access requirements such as log-ons and passwords to restrict

access to information. It would have been obvious to one of ordinary skill in the art at the time

of the invention to restrict access to information about the shift trades in order to increase the

integrity of the information stored in the system by only allowing certain persons access to view

said information.

23.   As per claim 17, "Visual Rota from CDT" teaches a computer-implemented method

wherein the step of confirming includes checking criteria (See page 3, sections 1 and 2, wherein

criteria data concerning the shift change is checked to confirm that the transfer is ok). However,

"Visual Rota from CDT" does not expressly disclose:

checking training data associated with the second employee in a training data database,

and comparing the training data associated with the second employee with training requirements

associated with a work area function to be performed on the first shift to verify that the second

employee is qualified to perform the work area functions associated with the first shift;

displaying to the second employee, upon confirmation of the trade, notifications relevant

to the work area function of the first shift and the training data associated with the second

employee;

checking a length of time between a time of receipt of the conditional acceptance and a

time of occurrence of the first shift and the second shift against a minimum time period for

trading shifts to verify that the length of time is not less than a minimum time period

indicating to the first employee, upon confirmation of the trade, the confirmation of the

trade; or

restricting access to the information about the trade of the first shift for the second shift

upon confirmation of the trade.

Donnelly et al. discloses :

checking training data associated with the second employee in a training data database,

and comparing the training data associated with the second employee with training requirements

associated with a work area function to be performed on the first shift to verify that the second

employee is qualified to perform the work area functions associated with the first shift (See at

least column 7, lines 43-45, column 9, lines 38-41, column 10, lines 10-21, column 11, lines 18-

24 and 40-52, column 13, lines 35-45, column 17, lines 7-13, 25-40, and 55-59, column 22, lines

45-55, column 25, lines 12-26, column 26, lines 1-7, 30-50, and 60-65, wherein the training data

associated with the second employee is stored and checked when the second employee is being

assigned to a work area function with certain requirements of skill level/training level);

displaying to the second employee, upon confirmation of the trade, notifications relevant

to the work area function of the first shift and the training data associated with the second

employee (See column 10, lines 22-30, column 12, lines 58-65, column 13, lines 1-4, 15-18, and

45-50, column 17, lines 25-50, column 18, lines 60-65, column 29, lines 10-12 and 34-43, and

column 32, lines 20-32, wherein notifications relevant to the work area function are displayed to

the second employee and training data associated with the second employee can be displayed);

indicating to the first employee, upon confirmation of the trade, the confirmation of the

trade (See column 16, lines 65-67, and column 17, lines 14-25, wherein when the shift is

removed from the employees schedule, a notification is sent to the employee); and

restricting access to the information about the trade of the first shift for the second shift

upon confirmation of the trade (See column 13, lines 14-17, column 16, lines 8-15, column 18,

lines 17-19, column 19, lines 4-7, column 21, lines 62-67, and column 31, lines 45-54, which

disclose the computer being caused to verify the identity of a user of the system by the logging or

signing on of said user, therefore restricting access to the information).

However, Donnelly does not expressly disclose checking a length of time between a time

of receipt of the conditional acceptance and a time of occurrence of the first shift and the second

shift against a minimum time period for trading shifts to verify that the length of time is not less

than a minimum time period.

Both Donnelly et al. and "Visual Rota from CDT" disclose scheduling systems wherein

time shifts are assigned to employees, the schedule of shifts is displayed, and the shifts can be

reassigned to other employees based on certain criteria being met. It would have been obvious to

one of ordinary skill in the art at the time of the invention to check training data of the worker,

indicate a confirmation of the trade, display work function information to the party performing

the shift, restrict access to information in order to increase the efficiency and accuracy of the

scheduling of the tool by making sure all employees are aware of the shifts that they are

specifically working and are able and qualified to work the assigned shifts based on their

qualifications. "Visual Rota from CDT" discusses the importance of making sure employees

work their assigned shifts and properly trade shifts based on the rules to reduce problems with

the schedule, as discussed on page 3, sections 1-3.

Furthermore, "Visual Rota from CDT" and Donnelly et al. discloses a tool that allows

employees to change shifts. It is old and well known that places of employment require that

employees give notice by a specific deadline in order to do things such as take leave, quit, swap

shifts, etc. For example, in order for an employee to withdraw from employment with a

business, he or she must give notice a specific length of time before quitting so that the business

can find someone to fill said employee's responsibilities before said employee leaves. It would

have been obvious to one of ordinary skill in the art at the time of the invention to require a

specific length of time between the shift swap and the shift in order to increase the efficiency of

the schedule and the timeliness of the company by making sure that all areas involved are

appropriately staffed. "Visual Rota from CDT" discusses that finding people to definitively

work the assigned shifts reduces problems, as stated on page 3, section 3.

Response to Arguments

25.   Applicant's arguments with respect to claims 2-7 and 10-17 have been considered but are

moot in view of the new ground(s) of rejection established above, as necessitated by amendment.

26.   Applicant's arguments with respect to the 103 rejection of claim 9 based on Donnelly et

al. (U.S. 6,049,776) have been fully considered but they are not persuasive. In the remarks, the

Applicant argues that one would not be motivated to modify the system of Donnelly et al. (U.S.

6,049,776) because the reference presents no compelling reason why a length of time should be

required between the change of shifts and the actual occurrence of these shifts, since changing a

shift is not as serious to deal with as quitting employment.

In response to the Applicant's argument, the Examiner respectfully disagrees. Examiner

first points out that the time period before quitting was a mere example illustrating the

importance of a time criteria in business. Examiner maintains this example and further asserts

that changing a shift and quitting are in some ways similar because in both instances a new

person must take on a shift that was previously assigned to another person. Examiner further

points out that Donnelly et al. presents criteria for a person who is considered able to take on a

job, as shown in column 13, lines 21-26 and 35-43, column 14, lines 60-67, column 16, lines 55-

67, column 17, lines 7-12, 21-30, and 44-49, column 19, lines 24-27, column 22, lines 46-50, and

column 26, lines 30-42 and 60-65. Therefore, since it is old and well known in businesses and

corporations that time is an important measure and since it is also old and well known that many

companies require sufficient notice of items such as quitting, shift changes, vacations, etc., it

would have been obvious to one of ordinary skill in the art at the time of the invention to include

a time period requirement before a work shift that must be fulfilled in order to allow the shift to

be transferred from one individual to another.

Examiner further points out that the other aspects of claim 9 that have been added by

amendment have been addressed above in the newly established rejections, as necessitated by

amendment.

Conclusion

27.   No claims allowed.

28.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Parad (U.S. 5,369,570) teaches scheduling activity and change impact on the schedule.

Green (U.S. 6,192,346) discloses bidding on schedule dates to trade shifts for vacation.

Nakayama et al. (U.S. 5,974,394) teaches means for controlling schedules.

Crockett (U.S. 5,325,292) discloses creating and revising agent schedules.

University of Kentucky ("Shift and Schedule Changes) discloses time periods required

for shift changes.

ScheduleSoft ("ScheduleSoft Simplifies scheduling") teaches an automated shift schedule

program with restricted access, updating capabilities, and networking capabilities.

ScheduleSoft ("ScheduleSoft Boosts Efficiency") teaches an automated shift schedule

program.

InTime Solutions ("InTime Visual Scheduler") discloses a computer-implemented

scheduler with work shift features.

"Special HR Software Directories" (www.hrcensus.com/SPECmain.html) teaches HR

software for managing schedules and schedule changes.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Beth Van Doren whose telephone number is (703) 305-3882.

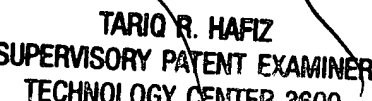The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone numbers for the

organization where this application or proceeding is assigned are (703) 305-7687 for regular

communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 308-1113.

BVD

bvd
April 15, 2003

TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600